

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 4, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis, Captain Poindexter and Executive Secretary Webb.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the February 18, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Chairperson DePrez moved to approve the PAD forms that were submitted for the March 4, 2003 meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Chairperson DePrez also stated that for the 1st time in the history of the ATC, hearings were held regarding tobacco violations. These violations were against the businesses and the clerks who work at the business.

Chairperson DePrez moved to approve the judgments from the Hearing Judge regarding the tobacco violations. Motion seconded by Commissioner Davis and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have

been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

Two hundred sixty-five (265) renewals approved, thirty-three (33) new and/or transfer permits approved, fifteen (15) permits conditionally approved, six (6) permits approved for first year escrow, and five (5) permits approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR89-20087 & RR89-20149 KSR, LLC – Vice Chairperson Glass noted this is a new type 112 permit and a new type 210-1 permit with the local board voting three (3) to zero (0) to disapprove because there is no desire by the community for these services.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permits. Motion seconded by Commissioner Davis and it was unanimously approved.

RR34-01788 H2G2, LLC – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve. The permittee has signed written commitments that will be abided by to help alleviate some of the problems this establishment has.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve this renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR64-10720 THE PORT OFFSHORE, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to disapprove because this establishment has become a public nuisance.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR24-20271 & RR24-20272 WHITEWATER DEVELOPMENT, LLC – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR16-20276 & RR16-20277 IRONHORSE ROADHOUSE, LLC – Vice Chairperson Glass noted this applicant is requesting permission to file for a type 103 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

CH15-19994 E-Z CENTER, INC. – Vice Chairperson Glass noted this is a new type 230-1 application with the local board voting three (3) to zero (0) to disapprove because the applicant did not appear at the local board after being notified that their presence was required.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR02-18906 HGCH, INC. – Vice Chairperson Glass noted the location of this permit was annexed into the city limits of Fort Wayne. The permittee is requesting that the Commission convert this type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to convert this permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR02-18527 OB2, LLC - Vice Chairperson Glass noted the location of this permit was annexed into the city limits of Fort Wayne. The permittee is requesting that the Commission convert this type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to convert this permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR76-91053 101 INVESTORS, LTD. - Vice Chairperson Glass noted the location of this permit was annexed into the city limits of Angola. The permittee is requesting that the Commission convert this type 209 permit to a type 210 permit.

Vice Chairperson Glass moved to convert this permit. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make thirteen (13) permits inactive. Four permits (4) were subject to auction and nine (9) were not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No appeals filed.

OLD BUSINESS

No Old Business.

NEW BUSINESS

EVANSVILLE CATHOLIC HIGH SCHOOLS BIG BINGO SPECTACULAR – Evansville Catholic Interparochial High Schools is requesting permission to serve donated alcoholic beverages at their Big Bingo Spectacular.

Y-ME OF CENTRAL INDIANA A TOAST TO BREAST CANCER AWARENESS – Y-ME of Central Indiana would like to use donated wine for their wine tasting.

WABASH CENTER WINE TASTING AND SILENT AUCTION – Wabash Center would like to use donated wine for their wine tasting and silent auction.

STANLEY CLARK SCHOOL 25TH ANNUAL DINNER AUCTION – Stanley Clark School would like to serve donated alcoholic beverages at their 25th Annual Dinner Auction.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

JOHN DUGAN APPEAL MOTION TO RECUSE VICE CHAIRPERSON GLASS – Commissioner Davis moved to deny the Motion to Recuse. Motion seconded by Commissioner Marks, Chairperson DePrez denied motion and Vice Chairperson Glass abstained from the vote, therefore, the Motion to Recuse was denied.

JOHN DUGAN APPEAL FINDINGS OF FACT AND CONCLUSIONS OF LAW –
Commissioner Marks moved to uphold the findings of the Hearing Judge as presented.
Motion seconded by Commissioner Davis and it was unanimously approved.

ANNOUNCEMENTS

No announcements.

ADJOURNMENT

Commissioner Davis moved to adjourn the meeting. Motion seconded by Vice
Chairperson Glass and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER